

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SHAUNTE ROBERTSON,	)	
	)	
Plaintiff,	)	
	)	No. 07 C 4398
v.	)	
	)	Judge Rebecca R. Pallmeyer
THOMAS DART, as SHERIFF OF COOK	)	
COUNTY, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' LOCAL RULE 56.1(a)(3) STATEMENT OF  
UNCONTESTED, MATERIAL FACTS ("SUMF")**

Defendants, by their attorney ANITA ALVAREZ, State's Attorney of Cook County, through her Assistant State's Attorney, Daniel J. Fahlgren, have moved this Honorable Court for summary judgment in their favor. In support of this motion and pursuant to Local Rule 56.1(a)(3), defendants submit the following statement of uncontested material facts:

1. On January 22, 2006, Plaintiff was a pretrial detainee in Division 11, Tier AC at the Cook County Jail. [Exhibit A, Plaintiff's Deposition Excerpt, p. 10].

2. On that date, Officer Trejo opened Plaintiff's cell door, and began yelling at him.  
[Exhibit A, Plaintiff's Deposition Excerpt, pp. 15-16]

3. Plaintiff began yelling back Trejo, and Trejo left the cell. [Exhibit A, pp. 19-20]

4. Plaintiff testified that Officer Trejo came back and said the Chief and Captain wanted to speak to Plaintiff. [Exhibit A, p. 26]

5. Plaintiff refused to go until a lieutenant or sergeant came to him in the cell. [Exhibit A, p. 26]

6. Plaintiff testified that Trejo then spoke on the radio , then started punching Plaintiff.

[Exhibit A, p 26] .

7. Plaintiff testified that he was hit and punched and elbowed by several officers when he lost consciousness. [Exhibit A, pp 33-34]

8. Plaintiff was later taken to Mt. Sinai hospital and treated for injuries he received during the altercation with officers. [Exhibit A, pp. 47]

9. Plaintiff filed a detainee grievance complaining about the officers' conduct on January 22, 2006. Exhibit A, p. 61].

10. Plaintiff testified that he filed and signed grievance. [Exhibit A, pp. 61-62]

11. Plaintiff received the CCDOC response to the grievance on February 28, 2006. [Exhibit A, pp. 64-65, Dep. Exhibit 2, Grievance]

12. The CCDOC response to the grievance stated: "Plaintiff was the aggressor & attacked CO. Detainee manipulated cell lock & charged accordingly." No IAD case file warranted." [Exhibit A, p. 65 , Dep. Exhibit 2, Exhibit B, Warren Affidavit, Exhibit 1]

13. Plaintiff signed the response, acknowledging that he received the response.[ Exhibit A, pp. 64-65]

14. Plaintiff did not agree with the response of CCDOC to the grievance. [Exhibit A, p 66]

15. The response from the grievance contains a form section for the detainee to appeal the response by filling in a blank. [Exhibit A, p Dep. Exhibit 2, Exhibit B, Warren Affidavit, Exhibit 1]

16. Plaintiff did not write anything in the appeal blank and did not submit an appeal to the CCDOC response to the grievance. [Exhibit A, p. 67 dep. Exhibit 2]

17. He testified he "thought he appealed the grievance." [Exhibit A, p. 66]

18. Laroy Warren maintains detainee grievance records for CCDOC. [Exhibit B, Warren Affidavit, para 3]

19. Mr. Warren checked the master grievance file at CCDOC and determined that Plaintiff did not file an appeal of the grievance response. [Exhibit B, para 9]

20. The grievance procedure at CCDOC requires that a detainee file an appeal of the response if he is not satisfied with the response. [Exhibit B, para 5]

21. The Cook County Department of Corrections (CCDOC) has established a grievance procedure that is available to all inmates. [Exhibit B, para 4]

22. If the detainee wishes to appeal the grievance decision, the detainee will have fourteen working days from receipt of the decision, to appeal to the Administrator of Program Services. [Exhibit B para 5]

Respectfully Submitted,

ANITA ALVAREZ

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